

REMARKS

By this amendment claims 1, 2, 5, 6, and 53-56 are amended.¹

Detailed remarks with respect to *Hsu* are included in the prior response.

Applicants submit that the cited art fails to teach or suggest, either singly or in combination:

initiating a sub-transaction, from among the plurality of sub-transactions, into system memory of the computer system prior to occurrence of an external event on which the sub-transaction depends, the sub-transaction configured to idle until the external event occurs, the sub-transaction including a latency attribute, the latency attribute representing an estimated wait time indicating how long the sub-transaction is expected to idle waiting for the external event to occur, the sub-transaction represented by transaction boundaries that indicate when the sub-transaction starts and ends within the parent transaction;

accessing a dynamically computed latency threshold, the dynamically computed latency threshold defining a maximum amount of time the computer system is to allow the sub-transaction to remain idle in system memory waiting for an external event to occur, the dynamically computed latency threshold computed in accordance with a latency function based on one or more system performance characteristics of the computer system;

comparing the latency attribute to the latency threshold;

determining that the estimated wait time for the sub-transaction exceeds the maximum amount of time the computer system is to allow the sub-transaction to remain idle in system memory waiting for an external event to occur based on the comparison;

in response to the determination, dehydrating the schedule to persist schedule state to non-volatile storage medium, including:

recognizing the transaction boundaries of the sub-transaction;

suspending execution of the schedule;

¹ Support for the amendments to the claims are found throughout the originally filed specification and previously presented claims, including but not limited to page 10, line 24 - page 11, line 2, page 14, lines 13-14, page 15, lines 7-12, page 18, lines 9-13, page 20, lines 17-19, page 22, lines 10-18, page 29, lines 5-26, page 31, line 31- page 32, line, 2, page 32, lines 14-23.

persisting the schedule state in the non-volatile storage medium based on the transaction boundaries of the sub-transaction; and

selectively de-allocating system memory allocated to the sub-transaction after suspending execution of the schedule to free up de-allocated system memory for use by other workflow actions.

as recited in claim 1. For at least this reason, claim 1 patentably defines over the art of record. For at least this same reason, claim 53 also patentably defines over the art of record. Since claims 2, 5-10, and 54-60 depend from either claim 1 or claim 53, claims 2, 5-10, and 54-60 patentably define over the art of record at least for the same reason as their corresponding base claim.

Further, many of the dependent claims also independently distinguish over the art of record. For example, the cited art fails to teach or suggest the limitations of claims 5, 6, 55, and 56.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required reason why one of ordinary skill in the art would have modified the cited references in the manner officially noticed.²

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

² Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 25th day of January, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written over a horizontal line.

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